



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

May 2, 2023

**BY ECF**

The Honorable Paul G. Gardephe  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

**Re: *United States v. Alzubair Saleh, a/k/a "Sammy," 23 Cr. 204 (PGG)***

Dear Judge Gardephe:

The Government respectfully submits this supplemental letter with respect to defendant Alzubair Saleh's motion for pre-trial release as directed by the Court (Dkt. No. 37). The Government's evidentiary bases for the assertions about which the Court has inquired are set forth below.

**1. Evidence from Saleh's Cellphone Regarding Firearms and Firearms Sharing with Dub City Members Who Remains at Liberty**

The Government has attached examples of text messages from Saleh's phone between Saleh and other co-conspirators showing Saleh actively seeking firearms from, and sharing firearms with, other Dub City members, including a Dub City member who has not been arrested:

- **Seeking Firearms:** Exhibit 1 is an excerpt of a text message exchange between Saleh and co-defendant Justin Ballester (who is saved in Saleh's phone as "Jay Gunszzzz"). On or about December 31, 2021, Saleh told Ballester, "Bro I am gonna need that tmr **so I can switch and get the little pocket rocket [/] And then you can hold the other one.**" Later, on or about January 5, 2022, after Ballester said he "ain't have ya shit," Saleh wrote "I need the shit ASAP . . . I am not playing [/] Bro I don't got my other shit now [/] And shit is lit [/] **We cut some n[\*\*\*\*] in the morning [/] Bro call me now my n[\*\*\*\*] [/] I am dead ass [/] Shit about to go down [/] Bro don't play.**" Ballester does not respond, but three days later, engages in a discussion with Saleh about selling Percocet pills ("yerks") with him.

- **Seeking Firearms:** Exhibit 2 is an excerpt of a text message exchange between Saleh and another individual (“CC-4”). On or about February 18, 2022, the following exchange took place:

Saleh: How much you want  
 CC-4: **650 it's brand new**  
 Saleh: ight  
       I got you  
       Just wait for me  
 ...  
 Saleh: I thought [you] was gonna come to da little store  
       Meet there  
 CC-4: [voice note saying he was on his way]  
 Saleh: Meet me  
       How much you said ag[ai]n  
       ??  
 CC-4: 650  
 Saleh: Do 600 for me bro pls  
       it's really slow today  
 CC-4: **I got a[n] extra clip and everything that's why I want 650**  
 Saleh: Ight I am give you the 50 tmr you just go pick it up any time bro  
 CC-4: li  
 Saleh: Let me know when you close so I can start walking over there  
 CC-4: li

- **Sharing Firearms.** Exhibits 3-A and 3-B are text message exchanges between Saleh and another known member of Dub City who has not been charged in the Indictment (“CC-1”), and who remains at liberty in the community, about obtaining and sharing firearms. For example, on or about January 22, 2022, the following exchange took place:

Saleh: Bro don't forget **I need the thing**  
 ...  
 CC-1: **Y have ur clip**  
 Saleh: **No I give it to you the last time**  
       Ok so I see you tmr bro

On or about March 19, 2022, the following exchange took place:

Saleh: **Bro I need to hold this shit to later I am pick up my other shit**  
 CC-1: Let me finish il take itv  
       **You could could keep ya shit bro**  
       **Don't talk about.Non of this here**

Saleh: ??  
 Bro I am not gonna let you stay with nothing  
 You know you my brother n[\*\*\*\*] if some one eless word to my son  
 life I would give n[\*\*\*\*] nothing  
**But don't give me hard time now bro getting my shit back**

CC-1: Ik  
 Just give me a few I'm working

Saleh: Ok pls bro

CC-1: **I'm take it to u**

Saleh: K

## 2. Regular Violent Acts Involving Firearms by Members of Dub City

The Government respectfully submits that Dub City's routine use of firearms to engage in violent acts is reflected, at a minimum, in the eight separate shooting incidents that are each individually charged in the Indictment as violent crimes in aid of racketeering and violations of Section 924(c). The Government respectfully refers the Court to the surveillance videos that were submitted as exhibits to the Government's April 20, 2023 filing (Dkt. No. 3) to establish, in conjunction with the Grand Jury's probable cause findings, the occurrence of those incidents for purposes of this detention hearing. The Government will present additional evidence regarding each of these incidents, as well as regarding several additional armed robberies, at trial, including but not limited to witness testimony.

In addition, as an example of Saleh himself engaging in an act of violence, the Government is attaching as Exhibits 4-A and 4-B a text message except from Saleh's phone between Saleh and another Dub City member that attaches a video. On or about December 21, 2021, the other Dub City member sent Saleh a video depicting Saleh (wearing blue pants) and the other Dub City member (wearing gray pants) leaving one of Saleh's stores, and then deliberately assaulting another individual on the sidewalk, hitting him with a milk crate, and punching and kicking him. After Saleh received the video, he responded by text: "Fire / N[\*\*\*\*]s gonna be scared passing **burnside** [i.e., the street on which Saleh's stores were located] / Lmao [laugh my ass off]" and then they discuss showing off the video by posting it on Instagram.

## 3. Recent Affirmation of Continued Dub City Existence by Dub City Members Who Remain at Liberty

In the days following the arrests in this case, members of Dub City who have not been charged ("CC-2" and "CC-3," respectively) posted a series of image and video "stories" on their Instagram social media accounts addressing the effect of the Indictment. At trial, the Government would prove that CC-2 was present for at least one of the shootings charged in the Indictment.

- Exhibit 5 was posted by CC-2 on or about April 21, 2023, the day after the arrests. In that series of Instagram "story" posts, CC-2 wrote that he "just got off the phone with [defendant Bruce Melvin]," who was then detained,<sup>1</sup> showed a video of cash

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<sup>1</sup> Melvin's Instagram handle is "@pop\_champagne\_\_."

that he indicated he would be sending to Melvin, and then showed a video with the text “free [defendant Giovanni Rodriguez]<sup>2</sup> & [defendant Melvin].” Later in the series of clips, CC-2 addressed the camera with the text **“PSA” (for “public service announcement”)** and stated, among other things, **“we gonna set the message straight . . . I see what’s going on . . . a lot of you all n[\*\*\*\*\*]s thinking ‘yeah, it’s quiet for the Dubs [i.e., Dub City gang members].’ It’s never quiet. I’m still outside.”** CC-2 then **formed his hand into the shape of a gun** before stating “for anyone that think we’re not outside” (*i.e.*, not in jail), he repeated **“we’re still outside”** several times. CC-2 then stated that “what’s going on” (*i.e.*, the Indictment) is **“still not gonna stop what we got going on”** and **“how we still gonna keep putting on [i.e., engaging in violent acts in furtherance of Dub City]—n[\*\*\*\*\*]s is dumb?”** In later clips, CC-2 wrote “Free [defendant Jordan Bennett]<sup>3</sup> Free [defendant Melvin].”

- Exhibit 6 was posted by CC-2 on or about April 23 to 24, 2023. In that series of posts, CC-2 wrote a series of references to “freeing” various Dub City members who have been charged in this case, repeatedly including an image that stated “Forever DubCity” and photographs and videos of Dub City members. In one of the posts, CC-2 wrote that he was on the phone with defendant Melvin.
- Exhibit 7 was posted by CC-3 on or about April 23 to 24, 2023. In that series of posts, CC-3 showed photographs of many of the arrested defendants with references to “freeing” each of them. CC-3 then posted a graphic listing a series of people’s nicknames.

Respectfully submitted,

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<sup>2</sup> Rodriguez’s Instagram handle is “@kingkarrot\_\_.”

<sup>3</sup> Bennett’s Instagram handle is “@billy\_bandss.”